

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.443 of 2022

Arising Out of PS. Case No.-14 Year-2021 Thana- SC/ST BETTIAH District- West
Champaran

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1. Tahir Bari @ Tarif Bari @ Tarik Ekbal Bari @ Tarik Ikabal Bari Son of Late Saheb Bari @ Sahabuddin Bari @ Shahabddin Bari Resident of Village - Pipra, P.s.- Sahodara, Distt.- West Champaran.
 2. Jahir Bari @ Jahid Bari @ Zahir Bari @ Md. Zahid Iqbal Bari Son of Late Saheb bari @ Sahabuddin Bari @ Shahabddin Bari Resident of Village - Pipra, P.s.- Sahodara, Distt.- West Champaran.
 3. Imteyaz Ahamad @ Md. Imteyaz Ahmad @ Imteyaz Bari Son of Late Md. Gyasuddin @ Geyasuddin Resident of Village - Flat No.102, SKT Tower, Indrapuri Colony Samanpura Patna, P.s.- Shastrinagar, Distt.- Patna.
 4. Bipin Tiwari Son of Late Ramnath Tiwai Resident of Village - Pipra, P.s.- Sahodara, Distt.- West Champaran.
 5. Paras Prasad Yadav @ Paras Yadav Son of Late Nirmal Yadav Resident of Village - Kauwaha, P.s.- Sahodara, Distt.- West Champaran.
 6. Prem Kumar Yadav @ Madhuram Yadav @ Mandhuran Yadav Son of Late Ranglal Yadav Resident of Village - Pipra, P.s.- Sahodara, Distt.- West Champaran.
 7. Budhan Yadav @ Vjay Yadav Son of Late Ranglal Yadav Resident of Village - Pipra, P.s.- Sahodara, Distt.- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. NARAYAN RAM Son of Late Bhikhari Ram Resident of Village - Banspur Pipra, P.s.- Sahodara, Distt.- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-11-2022 Heard learned counsel for the appellants and

learned Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 09.12.2022 in A.B.P. No. 2407/2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah in connection with Bettiah P.S. Case No. 14 of 2021 registered for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1), (r), (s), (ii), (v-a) of the SC/ST Act.

The informant alleges that the appellant along with other accused persons forbade from constructing his house, further abused him and his wife by taking caste name, it is next alleged that appellant no. 2 assaulted him by lathi causing injury on his head, further Imteyaz assaulted his wife by lathi causing fracture of her right hand.

Learned counsel for the appellants submits that the appellant no. 4, 5 and 6 are persons with clean antecedent and appellant no. 1 has two antecedents and appellant no. 2 has two antecedents, appellant no. 3 has three antecedents and appellant no. 7 has one antecedent and have been falsely implicated in the present case, it is next submitted



that police after investigation submitted final form in favor of four of the appellant no. 2, 3, 6 and 7 but the learned trial Court differing with the police report took cognizance in a mechanical manner. Learned counsel next submits that though allegation is of assault but the wife of the informant suffered from mild pain and there was no cut injury inflicted on the informant as has been stated in paragraph '9' and '10' of the appeal, it is also submitted that the entire occurrence took place at the door of the informant thus was not in public view.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 09.12.2022 in A.B.P. No. 2407/2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah in connection with Bettiah P.S. Case No. 14 of 2021 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/-



(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bettiah P.S. Case No. 14 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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